

REMARKS

Applicants have studied the Office Action dated May 31, 2005. Claims 1-8, 10-19 and 22-27 are pending. Claims 1-8, 10-19, and 22-25 have been rejected. Claims 2, 3, 7, 9, 14, 15 and 18-21 have been cancelled without prejudice. Claims 1, 4-6, 8, 10-13, 16-17, and 22-25 have been amended. Claims 26 and 27 have been allowed. No new matter has been added with this amendment to the claims. It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination of the application is respectfully requested.

Rejection under 35 U.S.C. § 103

Claims 1-6, 8, 12, 17-19 and 22 were rejected under 35 U.S.C. § 103(a) as being unobvious over Chu in view of Lobanoff and Ikeda et al. This rejection is respectfully traversed. Claims 2-3, and 18-19 have been cancelled without prejudice so the rejection with respect to these claims is moot. Furthermore, the Applicants' assertions regarding the rejections will be discussed with respect to independent claim 1, as the Examiner's assertions with regard to the rejection of claim 1 are similar to the Examiner's assertions with regard to the rejection of claims 2-6, 8, 12, 17-19 and 22.

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains (see 37 C.F.R. § 103(a)). In the instant case, the cited references, either alone or in combination, meets neither of these requirements.

It is respectfully submitted that claim 1 has been amended with elements from dependant claims 15 and 16, which have been herein cancelled without prejudice. More specifically, amended claim 1 recites the added elements "a monitor attachment bezel attached to the video display device within a video display housing," which support for this amendment is found in the Specification on p. 11, ll. 18-20, and in fig. 2 (element 98 which is the monitor attachment bezel). Accordingly the rejections, based on Dixon, with respect to claims 15 and 16 will be addressed in this discussion. Amended claim 1 has been also corrected for informalities.

The Examiner stated “Dixon (figs. 3, 4) teaches the use of a housing and monitor attachment bezel 21 for mounting a video display with a backrest, and in view of this suggestion, to have utilized such a housing and bezel for the display device of Chu, for securement and mounting purposes, would have been well within the level of skill in the art (see page 2 of the Office Action).” However, a closer reading of Dixon reveals that element 21 in figs. 3 and 4 is merely “a mounting plate 21 [which] includes outwardly-extending opposing flanges 23A and 23B located on an upper end of the mounting plate 21 (Dixon, col. 3, lines 27-30).” Furthermore, a standard definition from “The Merriam-Webster Dictionary” defines a bezel as a “rim (see Attachment A).” Thus, amended claim 1 reciting “a monitor attachment bezel attached to the video display device within a video display housing” is not taught, suggested, nor motivated by Dixon teaching “a mounting plate 21 having . . . opposing flanges 23A and 23B.” Thus, amended claim 1 is allowable for solely this reason alone.

Moreover, the Examiner bears the burden of establishing the existence of either 1) some objective teaching in the prior art or 2) knowledge generally available to one of ordinary skill in the art which would lead that individual to change the primary reference. In re Jones, 21 USPQ2d 1941, 1943-44 (Fed. Cir. 1992). Section 103 does not allow the Examiner to engage in a picking and choosing from the prior art only to the extent that it will support a holding of obviousness, while excluding parts of the prior art essential to the full appreciation of what the prior art suggests to one of ordinary skill in the art. In re Wesslau, 147 USPQ 391 (CCPA 1975). “Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination.” ACS Hospital Systems v. Montefiore Hospital, 221 USPQ 929, 933 (Fed. Cir. 1984).

However, the Examiner has not met this burden. In particular, the Examiner in rejecting claim 1 states “[t]o have provided the video display of Chu with a hinged portion padded cover, for protecting the screen against scratches and dirt, and/or for the aesthetic purposes, would have been an obvious modification to one with ordinary skill in the art, as such is shown to be old and well known in the art by Lobanoff (figs. 1, 2).” However, the Examiner failed to state some objective teaching that would lead someone to modify Chu to include the teachings in Lobanoff and Ikeda in the direction of amended claim 1 to include all three types of movement in one seat.

In other words, there is no motivation, outside of the Applicant’s own disclosure, for combining a vertical structure 11 as shown in Fig. 2 of Chu, a cover 416 as shown in Fig. 13 of

Lobanoff, the adjustable headrest 61 as shown in Ikea, and element 21 in Dixon. Therefore, it is respectfully submitted that claim 1 is allowable over the cited references solely this reason alone.

In conclusion, claim 1 is allowable for either or both these reasons. Furthermore, it is respectfully submitted that amended claims 4-6, 8, 12, 17 and 22 are allowable by virtue of their dependence on amended independent claim 1.

Claims 13-16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the prior art as applied to the claims above, and further in view of Dixon. Even if Dixon is asserted, it is respectfully submitted that claim 13 is allowable because Dixon does not overcome the deficiencies associated with claim 1, as discussed above, from which claim 13 depends. Claim 14 has been cancelled so the rejection is moot with respect to claim 14. Claims 15 and 16 have been cancelled and their elements added to amended claim 1 above. Accordingly, the rejection of claims 15 and 16 with respect to Dixon has been discussed above, in the arguments presented in support of the patentability of amended claim 1.

Claims 23-25 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Chu and Lobanoff as applied to the claims above, and further in view of ul Azam et al. This rejection is respectfully traversed.

Even if ul Azam is asserted, it is respectfully submitted that independent claim 1 is allowable over the cited references. It is respectfully submitted that ul Azam fails to overcome the deficiencies of Chu in view of Lobanoff and even Dixon, as discussed above, with reference to amended claim 1, such as including a monitor attachment bezel, or motivation to combine all these references outside of the Applicants' own disclosure. Thus, it is respectfully asserted that claims 23-25 are allowable by virtue of their dependence on amended claim 1 over the cited references.

Allowance of Claims 26 and 27

Applicants appreciate the recognition that claims 26 and 27 have allowable subject matter and are allowable as presented.

CONCLUSION

In light of the above remarks, Applicants submit that the present Amendment places claims 1, 4-6, 8, 10-13, 16-17 and 22-27 of the present application in condition for allowance. Reconsideration of the application, as amended, is requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

Lee, Hong, Degerman, Kang & Schmadeka

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By: _____



Lew Edward V. Macapagal
Registration No. 55,416
Attorney for Applicants

Customer No. 035884

Lee, Hong, Degerman, Kang & Schmadeka
801 S. Figueroa Street, 14th Floor
Los Angeles, California 90017
Telephone: 213-623-2221
Facsimile: 213-623-2211